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By

Patricia Citchfield
(Signature of person mailing)

Patricia Citchfield
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE DIVISIONAL APPLICATION OF:

William J. Curatolo, et al.

SERIAL NO.: **09/577,059**

: EXAMINER: **R. Dewitty**

FILED: **May 22, 2000**

: ART UNIT: **1616**

FOR: **Controlled-Release Dosage
Forms of Azithromycin**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON COMPLIANT AMENDMENT

This is in response to the Notice of Non-Compliant Amendment mailed on October 28, 2005 in the above-identified application. A term of one month or thirty days (whichever is longer) was given to supply the corrected section of the amendment (the claims), the originally submitted amendment having been in response to a non-Final Office action. This response is being submitted on November 23, 2005, hence is timely.

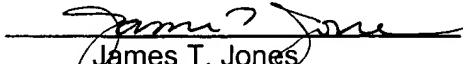
A copy of the corrected claims section is appended hereto, starting on its own separate sheet. The claims are the same as those previously submitted except for the correction required in the Notice, namely correcting the status identifier for claim 72 to reflect "(previously presented)", rather than "(previously amended)". Inasmuch as the status identifier for claim 125 also read "(previously amended)", Applicants have corrected it to read "(previously presented)" as well.

No fee is thought to be due for this submission since none was indicated in the Notice and no changes beyond correcting the status identifiers for claims 72 and 125 have been made. If, however, the Commissioner determines that any fee is due (including any fee for an extension, petition for which is hereby made), please charge it to Deposit Account No. 16-1445. Two copies of this paper are enclosed.

In view of the corrections made by Applicants, it is respectfully submitted that the amendment is in condition for review.

Respectfully submitted,

Date: November 23, 2005


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